

# rules and regulations

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## Title 7—Agriculture

### CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

[Amdt. 27]

### PART 250—DONATIONS OF FOODS FOR USE IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

#### Donated Foods for Nutrition Programs for the Elderly and for Institutions

Notice of proposed rulemaking was published in the FEDERAL REGISTER on October 1, 1974 (39 FR 35380) setting forth a proposal to amend the regulations governing the food distribution program to (1) update the quoted provisions of section 707 of the Older Americans Act of 1965, as amended, (2) exclude, for commodity allocation purposes, the number of persons who use food coupons to purchase meals served by institutions, (3) specify the minimum level of commodity assistance to be provided to States in which nutrition programs for the elderly are operated, and (4) provide that distributing agencies may allocate commodities to individual programs for the elderly within the State in accordance with their needs. Interested persons were given 15 days in which to submit comments, suggestions, or objections to the proposed amendment. No objections to the proposed amendments were received. However, after further consultation with the Commissioner on Aging, the following changes are being adopted.

1. The State agency that has been designated by the Governor and approved by the Department of Health, Education, and Welfare to administer nutrition programs for the elderly under title VII of the Older Americans Act of 1965, as amended, is defined as the "State Agency on Aging."

2. The State Agency on Aging is given the responsibility, in accordance with current regulations and guidelines authorized by the Commissioner on Aging, to estimate the number of meals to be served to nutrition programs for the elderly within the State during the year. The proposed amendment ascribed this responsibility to the Commissioner on Aging.

3. Distributing agencies will be required, rather than permitted, to allocate commodities to individual programs for the elderly in accordance with their needs.

4. The needs of individual programs for commodities will be determined by the State Agency on Aging, in accordance

with regulations and guidelines authorized by the Commissioner on Aging.

5. The date for the annual adjustment of the 10 cents per meal level of commodity assistance will be changed from July 1 to the first day of each fiscal year after June 30, 1975.

Therefore, the regulations for the operation of the Food Distribution Program (31 FR 14297) as amended, are further amended as set forth below.

1. In § 250.1(b) (15), a new subparagraph (d) is added to the quoted statute:

#### § 250.1 General purpose and scope.

##### (b) Legislation. \* \* \*

(15) Section 707 of the Older Americans Act of 1965, as amended, which reads in pertinent part as follows:

(d) In donating commodities pursuant to this section, the Secretary of Agriculture shall maintain an annually programmed level of assistance of not less than 10 cents per meal: *Provided*, That this amount shall be adjusted on an annual basis each fiscal year after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent. Among the commodities delivered under this section, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates. The Secretary of Agriculture, in consultation with the Commissioner [on Aging], is authorized to prescribe the terms and conditions respecting the donating of commodities pursuant to this section. \* \* \* (Sec. 5, Pub. Law 93-351, 88 Stat. 358 (42 U.S.C. 3045 f))

2. In § 250.3, paragraph (m) is revised to read as follows and a new paragraph (v) is added as follows:

#### § 250.3 Definitions.

(m) "Needy persons"<sup>1</sup> means (1) persons served by institutions who, because of their economic status, are in need of food assistance and who do not use coupons issued under the Food Stamp Program (7 CFR Part 271) to purchase meals provided by an institution, and (2) all the members of a household which is certified as in need of food assistance.

(v) "State Agency on Aging" means the State agency that has been designated

<sup>1</sup> The category "needy persons" referred to in section 416 and encompasses both of the terms "needy persons" and "disaster victims" as defined in the regulations of this part.

nated by the Governor and approved by the Department of Health, Education, and Welfare to administer nutrition programs for the elderly under title VII of the Older Americans Act of 1965, as amended.

3. In § 250.4, the following language is added after the first sentence of paragraph (b):

#### § 250.4 Availability of donated foods.

(b) *Quantities.* \* \* \* Beginning October 10, 1974, the quantity of commodities to be made available for any Federal fiscal year, or portion thereof, for distribution in any State to nutrition programs for the elderly shall be valued at not less than 10 cents for each meal which the State Agency on Aging, in accordance with current regulations and guidelines authorized by the Commissioner on Aging, estimates will be served within the State during the year. The amount shall be adjusted, on an annual basis the first day of each fiscal year after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. The adjustment shall be computed to the nearest one-fourth cent. \* \* \*

4. In § 250.8, paragraph (h) is revised to read as follows:

#### § 250.8 Eligible recipient agencies.

(h) *Nutrition programs for the elderly.* Nutrition programs for the elderly are eligible to receive foods under section 416, section 32, and section 709. The distributing agency shall allocate such foods to nutrition programs for the elderly within a State in accordance with the needs as prescribed by the State Agency on Aging in accordance with current regulations and guidelines authorized by the Commissioner on Aging. If a nutrition program for the elderly employs a food service company to conduct its feeding operation, the provisions of paragraph (b) (3) of this section shall be applicable.

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Service)

*Effective date:* This amendment shall become effective on November 8, 1974.

Dated: November 5, 1974.

RICHARD L. FELTNER,  
Assistant Secretary.

[FR Doc. 74-26253 Filed 11-7-74; 8:45 am]



[Amdt. 36]

**PART 272—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS, MEAL SERVICES AND BANKS****PART 273—ADMINISTRATIVE AND JUDICIAL REVIEW—FOOD RETAILERS, FOOD WHOLESALE AND MEAL SERVICES****Food Stamp Program**

On October 1, 1974, there was published in the FEDERAL REGISTER a notice of proposed rulemaking to revise § 272.1 (c) (1) of the regulations governing the Food Stamp Program. The notice set forth a proposal to amend the regulations to permit meal services funded under Title VII of the Older Americans Act to receive federally donated foods from the Department for use in the preparation of meals to be exchanged for food coupons.

Interested persons were given 15 days in which to submit written comments, suggestions, or objections regarding the proposed amendment. Since there were no comments received in opposition to this amendment, the Department has decided to adopt the amendment as proposed.

In addition, the following clarifying changes are being made: 1. To correct an error occurring with the July 15, 1974 revisions, § 272.2(j) is amended by substituting "nonprofit meal delivery service" for the words "meal service" and by adding the word "delivered" before the word "meal(s)" wherever they appear in this paragraph.

2. Technical changes also are being made in § 272.6 to designate the Chief, Retailer-Wholesaler Branch, Food Stamp Division, as responsible for making determinations to disqualify firms authorized to participate in the Food Stamp Program. This authority presently is assigned to the Director, Food Stamp Division.

3. Technical changes also are being made in §§ 273.7 and 273.8 for consistency with the designation of authority described in (2) above.

Accordingly, Parts 272 and 273 of Chapter II, Title 7 CFR are amended as follows:

1. In § 272.1, paragraph (c) (1) is revised to read as follows:

§ 272.1 Approval of retail food stores, wholesale food concerns and meal services.

(c) \* \* \*

(1) It is not receiving federally donated foods from the Department for use in the preparation of meals to be exchanged for food coupons, unless it is funded under the provisions of Title VII of the Older Americans Act of 1965.

2. In § 272.2, paragraph (j) is revised to read as follows:

§ 272.2 Participation of retail food stores, and meal services.

(j) A nonprofit meal delivery service shall request the recipient of a delivered meal to show the marked identification

card establishing the recipient's right to use coupons for such a service the first time that such recipient offers coupons in payment for such a service, or states his intention of doing so, and shall request such marked identification card at any time such nonprofit meal delivery service has caused to question the continued eligibility of such recipient to use coupons for delivered meals.

\* \* \*

§ 272.6 [Amended]

3. In § 272.6, paragraphs (c) and (d) are amended by deleting the word "Director" and inserting in its place the words "Chief, Retailer-Wholesaler Branch."

§ 273.7 [Amended]

4. In § 273.7, paragraph (a) is amended by deleting the words "Director of the" and "Director" and inserting in their place the words "Chief of the Retailer-Wholesaler Branch" and "Chief, Retailer-Wholesaler Branch." Paragraphs (b) and (d) are amended by deleting the word "Director" and inserting in its place the words "Chief, Retailer-Wholesaler Branch."

§ 273.8 [Amended]

5. In § 273.8, paragraphs (a) and (f) are amended by deleting the word "Director" and inserting in its place the words "Chief, Retailer-Wholesaler Branch."

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

*Effective Date.* This amendment shall become effective November 8, 1974.

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

RICHARD L. FELTNER,  
Assistant Secretary.

NOVEMBER 5, 1974.

[FR Doc.74-26252 Filed 11-7-74;8:45 am]

**CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE**

[Navel Orange Reg. 325]

**PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA**

**Limitation of Handling**

This regulation fixes the quantity of of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period November 8-14, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.625 Navel Orange Regulation 325.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is not yet established. Prices f.o.b. averaged \$5.72 a carton on a reported sales volume of 56 carlots last week, with no prices reported for the prior week. Track and rolling supplies amounted to 10 carlots on November 1, 1974.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, in-